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Fact Sheet

Ontario Regional Poison Information Centres and the 'Circle of Care'

The *Personal Health Information Protection Act (PHIPA)* requires health information custodians to obtain an individual's knowledgeable consent prior to the collection, use and disclosure of personal health information unless *PHIPA* provides otherwise.

The consent may be express or implied except where *PHIPA* requires express consent. For example, consent to the disclosure of personal health information must be express if the disclosure is made to a person who is not a health information custodian or to another health information custodian for a purpose other providing or assisting in providing health care.

Implied Consent and the 'Circle of Care'

A health information custodian is entitled to assume that it has an individual's implied consent:

- to the collection or use of personal health information for the purpose of providing or assisting in providing health care to the individual, and
- to the disclosure of personal health information to other health information custodians for the purpose of providing or assisting in providing health care to the individual.

The collection, use and disclosure of personal health information based on implied consent in the above circumstances, is said to be occurring within the "circle of care."

Exceptions to Implied Consent and the 'Circle of Care'

Consent cannot be implied and information cannot be collected, used and disclosed within the "circle of care" on the basis of implied consent if the health information custodian is aware that the individual has expressly withheld consent or has withdrawn consent to the collection, use or disclosure of his or her personal health information.

Application of 'Circle of Care' to Ontario Regional Poison Information Centres

A health information custodian is entitled to assume that it has an individual's implied consent to the disclosure of personal health information to Ontario Regional Poison Information Centres for purposes of obtaining consultation and advice on the care and treatment of individuals suspected of having ingested or been exposed to a toxic substance, unless the health information custodian is aware that the individual has expressly withheld or withdrawn consent. In these circumstances, Ontario Regional Poison Information Centres can be said to be within the "circle of care."

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